



**Langley Research Center**

**LPR 3432.1**  
**Effective Date: May 24, 2005**  
**Expiration Date: December 1, 2006**

## **PERFORMANCE-BASED ACTIONS**

**National Aeronautics and Space Administration**

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**RESPONSIBLE OFFICE: Office of Human Capital Management**

**LPR 3432.1**

## **PREFACE**

This Langley Procedural Requirements (LPR) summarizes the procedures for taking performance-based actions (reductions in grade or removals) against an employee only for such cause as will promote the efficiency of the service.

The Organizational Development and Workforce Relations Branch (OWRB), Office of Human Capital Management (OHCM), should be consulted for further information and guidance before taking any formal action.

This LPR 3432.1, dated March 4, 2005.

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**REFERENCES**

- a. NPD 3000.1, "Management of Human Resources."
- b. NPR 3432.1, "Performance Based Reduction in Grade or Removal Actions."
- c. LAPD 1200.5, "Delegation of Authority to Take Disciplinary and Adverse Actions."

### **PROCEDURES FOR PERFORMANCE-BASED REDUCTION IN GRADE OR REMOVAL ACTIONS**

#### **2.1 Employees Covered**

All NASA Employees, except members of the Senior Executive Service, NASA Excepted, and those at General Schedule (GS) 16 and above.

#### **2.2 Required Management Documentation**

- a. Copies of the employee's critical elements and performance standards.
- b. Documentation establishing that the standards and elements were communicated to the employee.
- c. A copy of the employee's most recent performance appraisal.
- d. Production and/or accuracy records.
- e. Representative samples of the employee's work that demonstrates his or her unacceptable performance in one or more critical elements.
- f. Documentation concerning any efforts the Agency made to assist the employee, including any counseling memoranda and training records.
- g. Documentation establishing that the employee was afforded a reasonable time to demonstrate acceptable performance, and that he or she did not do so.
- h. A copy of the Agency's performance appraisal plans, and evidence of Office of Personnel Management's approval of that plan.
- i. Agency memoranda to the employee concerning such matters as counseling or offers of assistance in connection with an alcohol or drug-related problem, or other health problem, and, if known, the results of such offers.

#### **2.3 Addressing Deficient Performance**

Performance evaluation should be an ongoing process, which includes periodic communication between supervisors and employees. Supervisors are encouraged to undertake timely employee counseling as an effective means of addressing performance problems as they arise. Counseling employees about

specific performance deficiencies as soon as they arise and offering appropriate assistance can often prevent more serious performance problems.

## **2.4 Notifying the Employee of Unacceptable Performance**

Employee must be notified in writing of the critical element(s) in which performance is unacceptable.

- a. Critical element(s) and standard(s) affected.
- b. Specifics concerning performance deficiencies.
- c. Statement of the level of performance that must be achieved in order to meet or exceed critical performance standards.
- d. An opportunity for the employee (at least 30 days) to demonstrate established performance standard(s).
- e. Offer of supervisory assistance in performing assigned duties and responsibilities.
- f. Notice to the employee that fully successful performance must be achieved and sustained beyond the opportunity period or a reduction in grade or removal action may be proposed.

## **2.5 Proposing Action**

A proposed action will include:

- a. A 30-day advance notice of the proposed action.
- b. Specific instances of unacceptable or below fully successful performance on which the proposed action is based.
- c. Critical elements involved in each instance of unacceptable or below fully successful performance.
- d. Employee's right to be represented by an attorney or other representative in accordance with a negotiated labor agreement.
- e. Employee's right to answer both orally and in writing, and the time allowed for the answer.
- f. Location of the evidence supporting the proposed action and notice that it is available for the employee's review.

- g. Reasonable amount of official time to prepare (normally 4 to 8 hours) and present any reply.
- h. Notice that any reply will be considered in the final decision.
- i. Notice as to where the policies and procedures governing the action are kept and how to review them.

## **2.6 Final Written Decision**

A final written decision must be issued to the employee within 30 days after the end of the advance notice period. The decision notice must be given to the employee prior to or at the time the action becomes effective. The decision letter will include:

- a. Decision.
- b. Effective date of the action.
- c. Instances of unacceptable performance upon which the action is based.
- d. Notice of time limits for appealing to the Merit Systems Protection Board (MSPB), including the address of the appropriate board office.
- e. Copy of the MSPB regulations.
- f. Copy of the MSPB appeal form.
- g. Notice of any rights the employee has to file a grievance on which the proposed action is based.